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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,143	11/04/2003	Steven W. Holland	GP-303630	4840

7590 10/03/2007
GENERAL MOTORS CORPORATION
Legal Staff- Intellectual Property
300 Renaissance Center, Mail Code 482-C23-B21
P. O. Box 300
Detroit, MI 48265-3000

EXAMINER

WANG, BEN C

ART UNIT	PAPER NUMBER
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2192

MAIL DATE	DELIVERY MODE
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10/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/701,143

Applicant(s)

HOLLAND, STEVEN W.

Examiner

Ben C. Wang

Art Unit

2192

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-21 Examiner maintains the 35 USC 103(a) rejections.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER


11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant has argued (page 10, 1st paragraph through 3rd paragraph) that Coburn, Rogers, and Kim all fail to teach or suggest an interface processor that identifies, for each of said multiple processors, files stored on a portable memory device connected to said open architecture communications port and further to load software received over said open architecture communications port onto said multiple processors.

Examiner's Response: Examiner disagrees. Coburn does disclose that "the host computer (external processor), having the information provided by the common platform (interface processor) (e.g., via the extension software described in Col. 2, Lines 16-23), determines whether the application software currently loaded to the common platform (open architecture) and the equipment sensors (multiple sensors - multiple processors) are all updated (software upgrade). For example, the extension software returns, to the host computer, the identifiers of the application software (identifying files) that is currently loaded in the common platform and any equipment sensors that are currently connected to the common platform (e.g., Col. 2, Line 29). If any of the software or equipment sensors mismatch, the host computer downloads the correct application software that matches the equipment sensor, from, for example, a remote computer or a CD-ROM or a floppy disk (e.g., Fig. 2, elements 110 - Host Computer, 120 - Common Platform, 140 - Host Interface 140, 190 Control Interface, 200 - Micro Controller, and 130 - Equipment Sensors; Col. 2, Lines 16-38) and host interface 140 enables host computer 110 to communicate with common platform 120 via various communications protocols such as USB (open architecture communications port) (e.g., Col. 4, Lines 9-23), and furthermore control interface 190 enables communications between common platform 120 and equipment sensors 130; these communications may be performed via the Ethernet, RS232, USB, or any other communication means (e.g., Col. 4, Lines 35-38)." (emphasis added)

The prior art rejection is maintained by Examiner.



TUAN DAM
SUPERVISORY PATENT EXAMINER